UNITED
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General Assembly Security Council

Distr.
GENERAL

A/45/411
S/21521
15 August 1990
ENGLISH
ORIGINAL: SPANISH

GENERAL ASSEMBLY
Forty-fifth session
Item 35 of the provisional agenda*
THE SITUATION IN THE MIDDLE EAST

SECURITY COUNCIL
Forty-fifth year

Letter dated 10 August 1990 from the Chargé d'affaires a.i. of the Permanent Mission of Costa Rica to the United Nations addressed to the Secretary-General

I have the honour to transmit to you herewith a statement issued on 9 August 1990 by the Government of Costa Rica concerning the annexation of Kuwait by Iraq (see annex).

I should be grateful if you would have the text of this letter and its annex circulated as an official document of the General Assembly, under item 35 of the provisional agenda, and of the Security Council.

(Signed) Emilia CASTRO de BARISH
Ambassador
Chargé d'affaires a.i.

* A/45/150 and Corr.1.

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Annex

Statement dated 9 August 1990 by the Government of Costa Rica concerning the annexation of Kuwait by Iraq

The Government of Costa Rica reaffirms its vigorous condemnation of the invasion and aggression committed by Iraq against Kuwait and declares its support for Security Council resolutions 660 (1990) and 661 (1990), adopted with no opposing votes, and 662 (1990), adopted unanimously by the Council today, in which the Council:

1. Decides that annexation of Kuwait by Iraq under any form and whatever pretext has no legal validity, and is considered null and void;

2. Calls upon all States, international organizations and specialized agencies not to recognize that annexation, and to refrain from any action or dealings that might be interpreted as an indirect recognition of the annexation;

3. Further demands that Iraq rescind its actions purporting to annex Kuwait.

The Government of Costa Rica intends to respect the above-mentioned resolutions in every particular, and fervently hopes that the Iraqi troops will be withdrawn and that, through joint action, a solution will be found to this grave threat to international peace and security, which constitutes a violation of international law and of the Charter of the United Nations.

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S/21522
14 August 1990

ORIGINAL: ENGLISH

LETTER DATED 14 AUGUST 1990 FROM THE CHARGE D'AFFAIRES A.I. OF THE PERMANENT MISSION OF BRAZIL TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

Further to my notes No. 204, of 8 August 1990, and 208 of 10 August 1990, I have the honour to transmit herewith the unofficial translation of the text of Communiqué No. 2.159, approved on 8 August 1990 and published on 10 August 1990 in the Official Register, by which the Department of Foreign Capital of the Central Bank of Brazil suspended the validity of any Certificate related to external loans and foreign investments, for purposes of remittances abroad to persons, entities or enterprises in Iraq or in Kuwait, or which have as beneficiaries, in any other territories, the Government of Iraq or enterprises located in Iraq or in Kuwait.

I should be grateful if you would transmit the text of the present letter and its annex to the Committee established in accordance with operative paragraph 6 of Security Council resolution 661 (1990).

(Signed) Alvaro Gurgel de ALENCAR
Ambassador
Acting Permanent Representative of Brazil
to the United Nations

Annex

CENTRAL BANK OF BRAZIL

DIRECTORATE OF FOREIGN EXCHANGE AND INTERNATIONAL AFFAIRS

Department of Foreign Capital

Circular-letter No. 2.107 of 8 August 1990. Informs of the temporary suspension of the utilization of the special mechanism for payments of the external debt with deposits linked to the Brazilian Financing Plan.

We inform all interested parties that, until further notice, the utilization of the special mechanism for the payment of the external debt with deposits linked to the Brazilian Financing Plan, referred in Circular No. 1.577, of 9 February 1990, and in Resolution No. 1.726, of 27 June 1990, is suspended.

Antonio Carlos MONTEIRO
Head of Department

Communiqué No. 2.159 of 8 August 1990

Foreign exchange restrictions. Iraq-Kuwait conflict

We inform that:

I. Bearing in mind Decree No. 99.441 of 7 August 1990, which determined compliance with resolution 661 (1990) of the United Nations Security Council, the validity, for remittance abroad, of the following Certificates related to external loans and foreign investments, are henceforth suspended:

Number	Date	Beneficiary/Investor
141/25057	02/27/89	KUWAIT FOREIGN TRADE CO.
841/00018	03/26/84	KUWAIT FOREIGN TRADE CO.
260/10573-29667	05/25/84	GOVERNMENT OF KUWAIT
260/13496-41024	08/24/89	GOVERNMENT OF KUWAIT
360/07016-05993	05/18/79	KUWAIT FOREIGN TRADE CO.
360/07017-05994	05/18/79	KUWAIT INTL. INVESTMENT CO.
360/07018-05995	05/18/79	KUWAIT INVESTMENT CO.
360/12507-14627	06/04/87	RAFIDAIN BANK
360/13352-14208	09/30/86	FAISAL YOUSUF AL-MARZOOK

360/13352-14208 09/30/86 FAISAL YOUSUF AL-MARZOOK

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II. The validity of any other Certificate issued by this Central Bank supporting the following remittances is likewise suspended:

(a) destined to persons, entities or enterprises in Iraq or in Kuwait;

(b) having as beneficiaries, in any other territory, the Government of Iraq or enterprises located in Iraq or in Kuwait.

III. The suspension indicated in this Communiqué does not apply to the external credit Certificates subject to the provisions of Resolutions Nos. 1.525 of 26 October 1988, 1.541 of 30 November 1988 and 1.564 of 16 January 1989.

Antonio Carlos MONTEIRO
Head of Department

(Of. No. 612/90)

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Security Council

Distr.
GENERAL

S/21523
15 August 1990

ORIGINAL: ENGLISH

NOTE VERBALE DATED 14 AUGUST 1990 FROM THE PERMANENT MISSION OF AUSTRIA TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

The Permanent Mission of Austria to the United Nations presents its compliments to the Secretary-General of the United Nations and has the honour to inform that in three official statements, the Federal Minister for Foreign Affairs and the Federal Government of Austria respectively have publicly condemned the invasion, occupation and subsequent illegal annexation of Kuwait by the military forces of Iraq.

On 2 August 1990, the Federal Minister for Foreign Affairs formally condemned the invasion of Kuwait as an act which constitutes a glaring breach of the Charter of the United Nations and called upon Iraq to withdraw its military forces from Kuwait and to seek a peaceful settlement of the conflict.

In a formal statement released on 9 August 1990, the Federal Ministry of Foreign Affairs declared that it considers the annexation of Kuwait by Iraq null and void.

Immediately after the adoption of Security Council resolution 661 (1990), the Federal Chancellor and the Federal Minister for Foreign Affairs declared that Austria would autonomously apply all the sanctions imposed by the United Nations Security Council against Iraq; the legal measures required will be taken by the Ministries concerned.

On 13 August 1990, the Council of Ministers took note of a report submitted by the Federal Minister for Foreign Affairs, the Federal Chancellor, the Federal Minister for Economic Affairs, the Federal Minister for Finance, the Federal Minister for the Interior, the Federal Minister for Food and Agriculture, the Federal Minister for Justice and the Federal Minister for Public Works and Transport, which specifies the measures to be taken by the Austrian authorities, referring in particular to the following:

(a) Prohibition of the import, export and trans-shipment of any commodities or products from or to Iraq or Kuwait through amending the Foreign Trade Act by governmental decree. In accordance therewith:

(i) All imports from Iraq and Kuwait will be subject to prior approval, which will not be granted by the Government. The same applies to exports and trans-shipments to Iraq and Kuwait, except for supplies intended strictly for medical purposes and, in humanitarian circumstances, foodstuffs;

(ii) Trucks from Iraq and Kuwait will no longer obtain transport licences and the shipment of products from or to Iraq and Kuwait will be prohibited.

In order to establish even more severe penal sanctions relating to the export of arms and ammunition, an additional government decree will be issued on the export of all these goods, including those for civilian use on the basis of pertinent legislation;

(b) The Austrian National Bank has made all financial transactions by residents of Iraq and Kuwait and entities controlled directly or indirectly by them subject to prior approval, which will be granted only to applications in accordance with Security Council resolution 661 (1990).

Those governmental measures that have not yet entered into force will be effective on 17 August 1990 at the latest.

The Federal Government of Austria will submit in due time to the Secretary-General of the United Nations a comprehensive report about the sanctions imposed against Iraq in accordance with Security Council resolution 661 (1990) and in response to the Secretary-General's note No. SCPC/7/90 (1) dated 8 August 1990.

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S/21524
15 August 1990

ORIGINAL: ENGLISH

NOTE VERBALE DATED 15 AUGUST 1990 FROM THE PERMANENT REPRESENTATIVE OF THE FEDERAL REPUBLIC OF GERMANY TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

The Permanent Representative of the Federal Republic of Germany to the United Nations has the honour, with reference to the Secretary-General's note SCPC/7/90(1) of 8 August 1990, to inform him of the measures taken to date by the Federal Republic of Germany on a national basis and as a member State of the European Economic Community (EEC).

The Government of the Federal Republic of Germany has fully incorporated into German law the embargo contained in Security Council resolution 661 (1990).

1. As regards the ban on imports and exports, the Security Council resolution has been implemented by European Community Regulation 2340/90 of 8 August 1990, which entered into force retroactively on 7 August. The Government of the Federal Republic of Germany has integrated the aforementioned European Community regulation into German law by means of the tenth regulation amending the Foreign Trade and Payments Regulation. This tenth amending regulation, which was published in the Federal Bulletin on 11 August and entered into force on the same date, prohibits:

(a) The import of all products originating in or coming from Iraq or Kuwait, the export to those countries of all products originating in or coming from the European Community.

The following activities carried out in the Federal Republic of Germany or by a ship or aircraft that is entitled to fly the flag of the Federal Republic of Germany or by any German national:

(i) Any commercial activity on dealing, including any activity in connection with transactions already contracted or partly completed, which promotes or is calculated to promote the export of any products originating in or coming from Iraq or Kuwait.

(ii) The sale or supply of any product originating in or coming from any country

a. to any natural or legal person in Iraq or Kuwait,

b. to any other natural or legal person for the purpose of any commercial activity on or originating in the territory of Iraq or Kuwait.

(iii) Any activity which promotes or is calculated to promote such sale or supply.

Excluded are merely some medical or pharmaceutical products and the aforementioned products if they were exported from Kuwait or Iraq before 7 August 1990.

(b) The transit of all commodities through the Federal Republic of Germany if Iraq or Kuwait is the recipient, seller or country of origin.

(c) The transmission of not generally accessible know-how for the production of any commodities subject to export controls as well as technologies, technical data or processes to non-residents in Iraq or Kuwait.

2. The parts of Security Council resolution 661 (1990) not covered by the European Community regulation (especially payment transactions) have likewise been incorporated into German law by the tenth amending regulation.

(a) In this sector the regulation prohibits payments or the transfer of assets by residents in connection with the aforementioned dealings to non-residents in Iraq or Kuwait.

(b) Authorization is required for the following:

Other payments or the transfer of other assets by residents

- to Iraq or Kuwait,
- to official agencies in Iraq or Kuwait or their representatives,
- to non-residents in Iraq or Kuwait,
- to non-residents if such payments or transfers are intended for Iraq or Kuwait, for official agencies in Iraq or Kuwait or their representatives or for undertakings based in Iraq or Kuwait, even though the payments or transfers are not effected in Iraq or Kuwait itself.

3. The aforementioned regulation also prohibits the following:

Services by Germans in Iraq or Kuwait if such services relate to weapons and military equipment, including their development and production.

4. Finally, by the ninth regulation amending the Foreign Trade and Payments Regulation, the Government of the Federal Republic of Germany has made the disposal of accounts, deposits or assets of Iraq, official agencies of Iraq or their representatives subject to authorization. The same applies to corresponding assets of Kuwait in accordance with paragraph 9 of Security Council resolution 661 (1990).

The Permanent Representative of the Federal Republic of Germany would greatly appreciate it if this communication could be issued as a document of the Security Council.

UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/21525
15 August 1990

ORIGINAL: ENGLISH

NOTE VERBALE DATED 15 AUGUST 1990 FROM THE SECRETARY OF STATE OF THE UNITED STATES OF AMERICA ADDRESSED TO THE SECRETARY-GENERAL

The Secretary of State presents his compliments to His Excellency the Secretary-General of the United Nations and has the honour to acknowledge receipt of his note of 8 August 1990, concerning information on the measures taken by the Government of the United States in accordance with the provisions of resolution 661 (1990) adopted by the Security Council on 6 August 1990.

On 2 August 1990, prior to adoption of resolution 661 (1990), the President of the United States issued two executive orders that imposed a comprehensive economic embargo against Iraq and blocked both Iraqi and Kuwaiti government property within the jurisdiction of the United States or under the control of United States persons. Copies of these orders are attached.

On 9 August 1990, the President took additional steps to impose a comprehensive economic embargo on Iraq and also Kuwait, including measures to implement the economic sanctions contained in resolution 661 (1990). Specifically, pursuant to section 204 (b) of the International Emergency Economic Powers Act, 50 U.S.C. section 1703 (b), section 201 of the National Emergencies Act, 50 U.S.C. section 1621, and the United Nations Participation Act, 22 U.S.C. section 287 (c), the President issued two new executive orders. Copies of those orders are attached.

The orders the President issued with respect to Iraq:

- Prohibit trade of goods and services between the United States and Iraq, and any activity that promotes or is intended to promote such trade;

- Prohibit any dealing by a United States person in connection with property of Iraqi origin exported from Iraq after 6 August 1990, or intended for exportation to or from Iraq to any country, and related activities and dealings;

- Prohibit transactions by a United States person related to travel to or from Iraq or to activities by any such person within Iraq, except for transactions necessary for prompt departure from Iraq, the conduct of official business of the United States Government or of the United Nations, or journalistic travel;

- Prohibit transactions related to transportation to or from Iraq, or the use of vessels or aircraft registered in Iraq by United States persons;

- Prohibit the performance by any United States person of any contract in support of industrial, commercial, public utility or governmental projects in Iraq;

- Prohibit the commitment or transfer of funds or other financial or economic resources by any United States person to the Government of Iraq, or any other person in Iraq;

- Block all property of the Government of Iraq now or hereafter located in the United States or in the possession or control of United States persons, including their foreign branches;

- Defines the term "United States person" to mean any United States citizen, permanent resident alien, juridical person organized under the laws of the United States, or any person in the United States, and vessels of United States registration.

In separate orders, the President extended to Kuwait all economic sanctions currently in effect against Iraq.

The orders do not prohibit the donation of articles intended to relieve human suffering such as food and supplies intended strictly for medical purposes. The provisions in resolution 661 (1990) relating to assistance to the legitimate Government of Kuwait and the protection of the assets of that Government are to be addressed under the President's executive orders on a case-by-case basis through the issuance of appropriate licences and approvals.

The above information provided to the Secretary-General of the United Nations is not inclusive of all actions taken by the Government of the United States in response to resolution 661 (1990). The Government of the United States will provide additional information to the Secretary-General of the United Nations in due course.

Attachments:

1. Executive Order 12722 of 2 August 1990 (annex I)

2. Executive Order 12723 of 2 August 1990 (annex II)

3. Executive Order 12724 of 9 August 1990 (annex III)

4. Executive Order 12725 of 9 August 1990 (annex IV)

Annex I

Executive Order 12722 Blocking Iraqi Government property and prohibiting transactions with Iraq

By the authority vested in me as President by the constitution and laws of the United States of America, including the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), the National Emergencies Act (50 U.S.C. 1601 et seq.), and section 301 of title 3 of the United States Code.

I, GEORGE BUSH, President of the United States of America, find that the policies and actions of the Government of Iraq constitute an unusual and extraordinary threat to the national security and foreign policy of the United States and hereby declare a national emergency to deal with that threat.

I hereby order:

Section 1. All property and interests in property of the Government of Iraq, its agencies, instrumentalities and controlled entities and the Central Bank of Iraq that are in the United States, that hereafter come within the United States or that are or hereafter come within the possession or control of United States persons, including their overseas branches, are hereby blocked.

Section 2. The following are prohibited, except to the extent provided in regulations which may hereafter be issued pursuant to this order:

(a) The import into the United States of any goods or services of Iraqi origin, other than publications and other informational materials;

(b) The export to Iraq of any goods, technology (including technical data or other information controlled for export pursuant to section 5 of the Export Administration Act (50 U.S.C. App. 2404)) or services from the United States, except publications and other informational materials, and donations of articles intended to relieve human suffering, such as food, clothing, medicine and medical supplies intended strictly for medical purposes;

(c) Any transaction by a United States person relating to transportation to or from Iraq; the provision of transportation to or from the United States by any Iraqi person or any vessel or aircraft of Iraqi registration; or the sale in the United States by any person holding authority under the Federal Aviation Act of 1958, as amended (49 U.S.C. 1514), of any transportation by air which includes any stop in Iraq;

(d) The purchase by any United States person of goods for export from Iraq to any country;

(e) The performance by any United States person of any contract in support of an industrial or other commercial or governmental project in Iraq;

(f) The grant or extension of credits or loans by any United States person to the Government of Iraq, its instrumentalities and controlled entities;

(g) Any transaction by a United States person relating to travel by any United States citizen or permanent resident alien to Iraq, or to activities by any such person within Iraq, after the date of this order, other than transactions necessary to effect such person's departure from Iraq, or travel for journalistic activity by persons regularly employed in such capacity by a newsgathering organization; and

(h) Any transaction by any United States person which evades or avoids, or has the purpose of evading or avoiding, any of the prohibitions set forth in this order.

For purposes of this order, the term "United States person" means any United States citizen, permanent resident alien, juridical person organized under the laws of the United States, or any person in the United States.

Section 3. This order is effective immediately.

Section 4. The Secretary of the Treasury, in consultation with the Secretary of State, is hereby authorized to take such actions, including the promulgation of rules and regulations, as may be necessary to carry out the purposes of this order. Such actions may include prohibiting or regulating payments or transfers of any property or any transactions involving the transfer of anything of economic value by any United States person to the Government of Iraq, its instrumentalities and controlled entities, or to any Iraqi national or entity owned or controlled, directly or indirectly, by Iraq or Iraqi nationals. The Secretary may redelegate any of these functions to other officers and agencies of the Federal Government. All agencies of the United States Government are directed to take all appropriate measures within their authority to carry out the provisions of this order, including the suspension or termination of licences or other authorizations in effect as of the date of this order.

This order shall be transmitted to the Congress and published in the Federal Register.

(Signed) G. BUSH

The White House
2 August 1990

Annex II

Executive Order 12723 Blocking Kuwaiti Government property

By the authority vested in me as President by the Constitution and laws of the United States of America, including the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), the National Emergencies Act (50 U.S.C. 1601 et seq.), and 3 U.S.C. 301.

I, GEORGE BUSH, President of the United States, find that the situation caused by the invasion of Kuwait by Iraq constitutes an unusual and extraordinary threat to the national security, foreign policy and economy of the United States and have declared a national emergency to deal with that threat.

I hereby order blocked all property and interests in property of the Government of Kuwait or any entity purporting to be the Government of Kuwait, its agencies, instrumentalities and controlled entities and the Central Bank of Kuwait that are in the United States, that hereafter come within the United States or that are or hereafter come within the possession or control of United States persons, including their overseas branches.

For purposes of this order, the term "United States person" means any United States citizen, permanent resident alien, juridical person organized under the laws of the United States or any person in the United States.

The Secretary of the Treasury is authorized to employ all powers granted to me by the International Emergency Economic Powers Act to carry out the provisions of this order.

This order is effective immediately and shall be transmitted to the Congress and published in the Federal Register.

(Signed) G. BUSH

The White House
2 August 1990

Annex III

Executive Order 12724 Blocking Iraqi Government property and prohibiting transactions with Iraq

By the authority vested in me as President by the Constitution and laws of the United States of America, including the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), the National Emergencies Act (50 U.S.C. 1601 et seq.), section 301 of title 3 of the United States Code, and the United Nations Participation Act (22 U.S.C. 287c), in view of United Nations Security Council resolution No. 661 of 6 August 1990, and in order to take additional steps with respect to Iraq's invasion of Kuwait and the national emergency declared in Executive Order No. 12722,

I, GEORGE BUSH, President of the United States of America, hereby order:

Section 1. Except to the extent provided in regulations that may hereafter be issued pursuant to this order, all property and interests in property of the Government of Iraq that are in the United States, that hereafter come within the United States, or that are or hereafter come within the possession or control of United States persons, including their overseas branches, are hereby blocked.

Section 2. The following are prohibited, except to the extent provided in regulations that may hereafter be issued pursuant to this order:

(a) The importation into the United States of any goods or services of Iraqi origin, or any activity that promotes or is intended to promote such importation;

(b) The exportation to Iraq, or to any entity operated from Iraq, or owned or controlled by the Government of Iraq, directly or indirectly, of any goods, technology (including technical data or other information), or services either (i) from the United States, or (ii) requiring the issuance of a licence by a Federal agency, or any activity that promotes or is intended to promote such exportation, except donations of articles intended to relieve human suffering, such as food and supplies intended strictly for medical purposes;

(c) Any dealing by a United States person related to property of Iraqi origin exported from Iraq after 6 August 1990, or property intended for exportation from Iraq to any country, or exportation to Iraq from any country, or any activity of any kind that promotes or is intended to promote such dealing;

(d) Any transaction by a United States person relating to travel by any United States citizen or permanent resident alien to Iraq, or to activities by any such person within Iraq, after the date of this order, other than transactions necessary to effect (i) such person's departure from Iraq, (ii) travel and activities for the conduct of the official business of the Federal Government or the United Nations, or (iii) travel for journalistic activity by persons regularly employed in such capacity by a news-gathering organization;

(e) Any transaction by a United States person relating to transportation to or from Iraq; the provision of transportation to or from the United States by any Iraqi person or any vessel or aircraft of Iraqi registration; or the sale in the United States by any person holding authority under the Federal Aviation Act of 1958, as amended (49 U.S.C. 1301 et seq.), of any transportation by air that includes any stop in Iraq;

(f) The performance by any United States person of any contract, including a financing contract, in support of an industrial, commercial, public utility, or governmental project in Iraq;

(g) Except as otherwise authorized herein, any commitment or transfer, direct or indirect, of funds, or other financial or economic resources by any United States person to the Government of Iraq or any other person in Iraq;

(h) Any transaction by any United States person that evades or avoids, or has the purpose of evading or avoiding, any of the prohibitions set forth in this order.

Section 3. For purposes of this order:

(a) The term "United States person" means any United States citizen, permanent resident alien, juridical person organized under the laws of the United States (including foreign branches), or any person in the United States, and vessels of United States registration.

(b) The term "Government of Iraq" includes the Government of Iraq, its agencies, instrumentalities and controlled entities, and the Central Bank of Iraq.

Section 4. This order is effective immediately.

Section 5. The Secretary of the Treasury, in consultation with the Secretary of State, is hereby authorized to take such actions, including the promulgation of rules and regulations, as may be necessary to carry out the purposes of this order. Such actions may include prohibiting or regulating payments or transfers of any property or any transactions involving the transfer of anything of economic value by any United States person to the Government of Iraq, or to any Iraqi national or entity owned or controlled, directly or indirectly, by the Government of Iraq or Iraqi nationals. The Secretary of the Treasury may redelegate any of these functions to other officers and agencies of the Federal Government. All agencies of the Federal Government are directed to take all appropriate measures within their authority to carry out the provisions of this order, including the suspension or termination of licences or other authorizations in effect as of the date of this order.

Section 6. Executive Order No. 12722 of 2 August 1990, is hereby revoked to the extent inconsistent with this order. All delegations, rules, regulations, orders, licences, and other forms of administrative action made, issued, or otherwise taken under Executive Order No. 12722 and not revoked administratively shall remain in full force and effect under this order until amended, modified, or terminated by proper authority. The revocation of any provision of the Executive

Order No. 12722 pursuant to this section shall not affect any violation of any rules, regulations, orders, licenses, or other forms of administrative action under that order during the period that such provision of that order was in effect.

This order shall be transmitted to the Congress and published in the Federal Register.

(Signed) G. BUSH

The White House
9 August 1990

Annex IV

Executive Order 12725 Blocking Kuwaiti Government property and prohibiting transactions with Kuwait

By the authority vested in me as President by the Constitution and laws of the United States of America, including the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), the National Emergencies Act (50 U.S.C. 1601 et seq.), section 301 of title 3 of the United States Code, and the United Nations Participation Act (22 U.S.C. 287c), in view of United Nations Security Council resolution 661 (1990) of 6 August 1990, and in order to take additional steps with respect to Iraq's invasion of Kuwait and the national emergency declared in Executive Order No. 12722.

I, GEORGE BUSH, President of the United States of America, hereby order:

Section 1. Except to the extent provided in regulations that may hereafter be issued pursuant to this order, all property and interests in property of the Government of Kuwait that are in the United States, that hereafter come within the United States, or that are or hereafter come within the possession or control of United States persons, including their overseas branches, are blocked.

Section 2. The following are prohibited, except to the extent provided in regulations that may hereafter be issued pursuant to this order:

(a) The importation into the United States of any goods or services of Kuwaiti origin or any activity that promotes or is intended to promote such importation;

(b) The exportation to Kuwait, or to any entity operated from Kuwait or owned or controlled by the Government of Kuwait, directly or indirectly, of any goods, technology (including technical data or other information), or services either (i) from the United States, or (ii) requiring the issuance of a license by a Federal agency, or any activity that promotes or is intended to promote such exportation, except donations of articles intended to relieve human suffering, such as food and supplies intended strictly for medical purposes;

(c) Any dealing by a United States person related to property of Kuwaiti origin exported from Kuwait after 6 August 1990, or property intended for exportation from Kuwait to any country or exportation to Kuwait from any country, or any activity of any kind that promotes or is intended to promote such dealing;

(d) Any transaction by a United States person relating to travel by any United States citizen or permanent resident alien to Kuwait, or to activities by any such person within Kuwait, after the date of this order, other than transactions necessary to effect (i) such person's departure from Kuwait, (ii) travel and activities for the conduct of the official business of the Federal Government or the United Nations, or (iii) travel for journalistic activity by persons regularly employed in such capacity by a news-gathering organization;

(e) Any transaction by a United States person relating to transportation to or from Kuwait; the provision of transportation to or from the United States by any Kuwaiti person or any vessel or aircraft of Kuwaiti registration; or the sale in the United States by any person holding authority under the Federal Aviation Act of 1958, as amended (49 U.S.C. 1301 et seq.), of any transportation by air that includes any stop in Kuwait;

(f) The performance by any United States person of any contract, including a financing contract, in support of an industrial, commercial, public utility, or governmental project in Kuwait;

(g) Except as otherwise authorized herein, any commitment or transfer, direct or indirect, of funds, or other financial or economic resources by any United States person to the Government of Kuwait or any other person in Kuwait;

(h) Any transaction by any United States person that evades or avoids, or has the purpose of evading or avoiding, any of the prohibitions set forth in this order.

Section 3. For purposes of this order:

(a) The term "United States person" means any United States citizen, permanent resident alien, juridical person organized under the laws of the United States (including foreign branches), or any person in the United States, and vessels of the United States registration.

(b) The term "Government of Kuwait" includes the Government of Kuwait or any entity purporting to be the Government of Kuwait, its agencies, instrumentalities and controlled entities, and the Central Bank of Kuwait.

Section 4. This order is effective immediately.

Section 5. The Secretary of the Treasury, in consultation with the Secretary of State, is hereby authorized to take such actions, including the promulgation of rules and regulations, as may be necessary to carry out the purposes of this order. Such actions may include prohibiting or regulating payments or transfers of any property or any transactions involving the transfer of anything of economic value by any United States person to the Government of Kuwait, or to any Kuwaiti national or entity owned or controlled, directly or indirectly, by the Government of Kuwait or Kuwaiti nationals. The Secretary of the Treasury may redelegate any of these functions to other officers and agencies of the Federal Government. All agencies of the Federal Government are directed to take all appropriate measures within their authority to carry out the provisions of this order, including the suspension or termination of licences or other authorizations in effect as of the date of this order.

Section 6. Executive Order No. 12723 of 2 August 1990, is hereby revoked to the extent inconsistent with this order. All delegations, rules, regulations, orders, licences, and other forms of administrative action made, issued, or otherwise taken under Executive Order No. 12723 and not revoked administratively shall remain in full force and effect under this order until amended, modified, or

terminated by proper authority. The revocation of any provision of Executive Order No. 12723 pursuant to this section shall not affect any violation of any rules, regulations, orders, licences, or other forms of administrative action under that order during the period that such provision of that order was in effect.

This order shall be transmitted to the Congress and published in the Federal Register.

(Signed) G. BUSH

The White House
9 August 1990

UNITED
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Security Council

Distr.
GENERAL

S/21526
15 August 1990
ENGLISH
ORIGINAL: SPANISH

NOTE VERBALE DATED 14 AUGUST 1990 FROM THE PERMANENT MISSION OF SPAIN TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

The Permanent Mission of Spain to the United Nations presents its compliments to the Secretary-General of the United Nations and, in reply to his note SCPC/7/90 (1), has the honour to transmit the following detailed account of the measures taken to date by Spain at the national level and in its capacity as a State member of the European Community to implement resolution 661 (1990), adopted by the Security Council at its 2933rd meeting, held on 6 August 1990:

A. Measures taken at the national level:

1. Embargo on the sale of weapons and military equipment to Iraq and Kuwait

Appropriate instructions have been issued to halt any operations of this type in progress. The General Customs Administration has instructed all Spanish customs offices to suspend the issuing of licences for the export of weapons to Iraq and Kuwait.

2. Embargo on oil imports from Kuwait and Iraq

The issuing of new licences has been suspended and licences issued have been revoked. Spanish vessels have likewise ceased to take on any crude oil from Iraq or Kuwait.

3. Monitoring of Iraqi and Kuwaiti assets

Any efforts to transfer funds or payments outside Spain or to dispose of securities, accounts or other financial assets held in Spain which are made by persons or legal entities resident in Iraq or Kuwait, Spanish or foreign establishments or corporations controlled by them or, in general, any persons or legal entities acting on behalf of the above have been made subject to approval by the Ministry of Economic Affairs and the Treasury, in keeping with the ministerial orders of 4 and 6 August 1990 (the first of which applies to Kuwait and the second to Iraq).

Regular administrative operations and payments made in simple fulfilment of contracts concluded by such corporations prior to 2 August constitute exceptions to the foregoing.

4. Suspension of all scientific and technical co-operation with Iraq

On 6 August 1990, the Spanish Agency for International Co-operation received instructions to suspend immediately such co-operation, including both that provided under bilateral agreements and any co-operation that could be considered sectoral in nature.

No military co-operation of any type exists with Iraq.

B. In addition to these national measures, Spain has implemented European Economic Community (EEC) regulation No. 2340/90 of 8 August 1990, which prohibits trade involving Iraq and Kuwait.

This regulation contains a provision which:

1. Prohibits the import of any product originating in Iraq or Kuwait and the export of products to those countries;

2. Prohibits any commercial activity or transaction, including any operation pertaining to completed or partially completed transactions, which aims at or results in the promotion of the import of any product originating in or coming from Iraq or Kuwait;

3. Prohibits the sale or supply of any product, regardless of its origin or provenance, to persons or legal entities in Iraq or Kuwait or to any other person or legal entity for the purpose of any commercial activity carried out within or from Iraqi or Kuwaiti territory;

4. Prohibits, lastly, any activity which aims at or results in the promotion of the aforementioned sale or supply.

5. By virtue of a decision of the States members of the European Coal and Steel Community (decision 90/414/ECSC of 8 August 1990), trade with Iraq and Kuwait in the products covered by the ECSC Treaty is prohibited in terms similar to those set out in the aforementioned EEC regulation.

Exception to the above is made:

- In respect of exports, for medicines and foodstuffs intended for humanitarian purposes as part of emergency assistance operations;

- In respect of imports, for those products originating in or coming from Iraq or Kuwait which were exported by those countries prior to 7 August 1990.

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GENERAL

S/21527
15 August 1990

ORIGINAL: ENGLISH

LETTER DATED 15 AUGUST 1990 FROM THE PERMANENT REPRESENTATIVE OF MALAYSIA TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to enclose herewith a copy of the letter from His Excellency Dato' Haji Abu Hassan Omar, Minister for Foreign Affairs of Malaysia dated 14 August 1990 addressed to you in response to your note SCPC/7/90(1) dated 8 August 1990.

(Signed) RAZALI Ismail
Ambassador

Annex

Letter dated 14 August 1990 by the Minister for Foreign Affairs of Malaysia addressed to the Secretary-General

I have the honour to refer to your note SCPC/7/90(1) dated 8 August 1990, in which you are discharging your responsibility, in accordance with Security Council resolution 661 (1990), to seek information from all States on the status of implementation of the resolution to enable you to report to the Council.

In this connection, I wish to inform you that upon adoption of the Security Council resolution, the Government of Malaysia has immediately taken the necessary steps towards implementing the provisions of the resolution.

Please be assured that the Government of Malaysia, as a co-sponsor of Security Council resolution 661 (1990) will ensure full compliance of the resolution.

Minister for Foreign Affairs,
Malaysia

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S/21528
15 August 1990
ENGLISH
ORIGINAL: ARABIC

LETTER DATED 15 AUGUST 1990 FROM THE PERMANENT REPRESENTATIVE OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

On instructions from my Government, I have the honour to transmit to you herewith a letter dated 15 August 1990 addressed to you by Mr. Tariq Aziz, Deputy Prime Minister and Minister for Foreign Affairs of Iraq, enclosing two letters, dated 30 July 1990 and 14 August 1990 respectively, from Mr. Saddam Hussein, President of the Republic of Iraq, addressed to the President of Iran.

(Signed) Abdul Amir A. AL-ANBARI
Permanent Representative

Annex

Letter dated 15 August 1990 from the Deputy Prime Minister and Minister for Foreign Affairs of Iraq addressed to the Secretary-General

Iraq has always been assiduous in urging and in striving sincerely and persistently for the establishment of a lasting and comprehensive peace with its neighbour Iran that will guarantee the rights of the two countries and the permanency of relations of good-neighbourliness between them.

As you know, Iraq has given proof of this well-established position since the establishment of the Islamic Republic of Iran in 1979. It continued to affirm this position in various ways and on various occasions during the armed struggle between Iraq and Iran, in particular by means of the many letters addressed by Mr. Saddam Hussein, President of the Republic of Iraq, to the Iranian peoples, some of which were distributed as documents of the General Assembly and of the Security Council (documents A/38/113-S/15636, A/38/268-S/15825 and S/18258).

You are also aware that Iraq did not hesitate throughout the period of the conflict to adopt positions that brought opportunities for peace nearer and that it was the initiative of President Saddam Hussein of 6 August 1988 which led to the declaration of a cease-fire.

After the entry into force of the cease-fire and the start of the meetings held under your auspices, Iraq presented a set of initiatives and ideas for the achievement of peace. Among the most prominent of these were the proposals submitted by us in Baghdad on 13 November 1989 to your Personal Representative, Mr. Jan Eliasson. That was followed by the comprehensive peace initiative of Mr. Saddam Hussein, President of the Republic of Iraq, of January 1990, which was communicated to the United Nations and circulated in document S/21070.

Iraq then adopted a historic and courageous position when President Saddam Hussein took the initiative of establishing direct contact with the Iranian leadership. This was done by means of the peace message sent by Mr. Saddam Hussein, President of the Republic of Iraq, to Mr. Ali Khamenei and to Mr. Ali Akbar Hashemi Rafsanjani, President of the Islamic Republic of Iran, on 21 April 1990, whose tenor met with a positive response enabling the two countries to pursue their contacts. It should be noted that, in this context, Mr. Saddam Hussein subsequently sent, a number of letters, dated 19 May, 16 July, 30 July, 2 August and 3 August 1990, to President Rafsanjani. The direct contacts continued to be maintained throughout this period by two accredited representatives of the leaders, namely Mr. Barzan Ibrahim al-Takriti and Mr. Cyrus Naseri, the Permanent Representatives of Iraq and Iran respectively to the United Nations Office at Geneva. In the course of these contacts, we presented numerous proposals and initiatives aimed at facilitating the process of achieving peace.

In keeping with this well-established position of principle to which Iraq has remained committed and in keeping with its sincere desire actually to enter into

the process of achieving peace and resolving all the outstanding issues between it and Iran, on 14 August 1990 Mr. Saddam Hussein addressed a historic letter to President Ali Akbar Hashemi Rafsanjani that included the following decisions:

"1. To agree to the proposal [i.e. that of the Iranian side] contained in your letter of reply dated 8 August 1990 and received by our representative in Geneva, Mr. Barzan Ibrahim al-Takriti, from your representative, Mr. Cyrus Naseri, that the 1975 Accord should be used as a basis while standing in close relation to the principles set forth in our letter of 30 July 1990, particularly with regard to the exchange of prisoners and to paragraphs 6 and 7 of Security Council resolution 598 (1987).

"2. On the basis of paragraph 1 of the present letter and of the tenor of our letter addressed to you on 30 July 1990, we are prepared to send a delegation to you in Tehran or to be visited by a delegation from you in Baghdad in order to prepare the agreements and make ready for their signature at the level at which agreement is reached.

"3. As an earnest of good faith, our withdrawal will begin as of Friday, 17 August 1990 and we shall withdraw the forces opposing you along the borders so that only a token presence will remain, with border guards and police and no more, in order to carry out the day-to-day duties required in normal circumstances.

"4. There should be an immediate and comprehensive exchange of all prisoners of war, the full number held in both Iraq and Iran, to take place across the land boundaries and by way of the Khanaqin - Qasr-e Shirin road and other crossing points to be agreed upon. We shall take the initiative in this matter and shall put it into effect as of Friday, 17 July 1990."

By means of this historic initiative, Iraq, by its noble and historic stance, is laying the foundations for a comprehensive and lasting peace between it and Iran and is achieving the object of the endeavours of the international community and the United Nations and meeting the desire of all the peoples of the world.

I must once again call attention to the historic initiative proclaimed on 12 August 1990 by Mr. Saddam Hussein, President of the Republic of Iraq, addressing the issues of the region. We hereby affirm the sincerity of our intentions and the rigour of our position on the solution of a dangerous and complex regional issue and one whose continued existence poses a threat to international peace and security.

In order to carry out the withdrawal with effect from the date set in the letter of President Saddam Hussein, namely 17 August 1990, I request you to instruct the Chief Military Observer of the United Nations Iran-Iraq Military Observer Group, Major-General Slavko Jovic, to co-operate with the competent Iraqi authorities in carrying out the task.

I enclose herewith copies of the letters dated 30 July 1990 and 14 August 1990 from Mr. Saddam Hussein, President of the Republic of Iraq, addressed to Mr. Ali Akbar Hashemi Rafsanjani, President of the Islamic Republic of Iran.

(Signed) Tariq AZIZ
Deputy Prime Minister and
Minister for Foreign Affairs of Iraq

Enclosure I

Letter dated 14 August 1990 from the President of Iraq addressed to the President of the Islamic Republic of Iran

Having placed our trust in Almighty God; for the purpose of removing the obstacles to the establishment of fraternal relations with all Muslims and with our worthy brothers the Muslims of neighbouring Iran; in order to open the way for vigorous common action with all Believers in confronting the evil doers who wish calamity on the Muslims and on the Arab nation; in order to extricate Iraq and Iran from the blackmail and intrigues of malicious international forces and their adjuncts in the region; in keeping with the spirit of the initiative announced by us on 12 August 1990 through which we aspired to the achievement of a comprehensive and lasting peace in the region, so that we may leave to those who have a pretext nothing that may prevent their involvement or perpetuate misgivings and suspicion; so that none of Iraq's capacities shall remain unutilized away from the field of the major clash and can be mobilized for the goals on whose validity the noble Arabs and Muslims are unanimous; in order to keep mutual interference out of the trenches and remove suspicions and misgivings so that the worthy may find their way to establishing normal relations between Iraq and Iran; as a result of our direct dialogue extending from the time of our letter addressed to you on 21 March 1990 up to the latest letter from you addressed to us on 8 August 1990; and as a definitive and unequivocal solution that will leave an excuse to none;

We have decided as follows:

1. To agree to the proposal contained in your letter of reply dated 8 August 1990 and received by our representative in Geneva, Mr. Barzan Ibrahim al-Takriti, from your representative, Mr. Cyrus Naseri to the effect that the 1975 Accord should be used as a basis while standing in close relation to the principles set forth in our letter of 30 July 1990, particularly with regard to the exchange of prisoners, and to paragraphs 6 and 7 of Security Council resolution 598 (1987).

2. On the basis of paragraph 1 of the present letter and of the tenor of our letter addressed to you on 30 July 1990, we are prepared to send a delegation to you in Tehran or to be visited by a delegation from you in Baghdad in order to prepare the agreements and make ready for their signature at the level at which agreement is reached.

3. As an earnest of good faith, our withdrawal will begin as of Friday, 17 August 1990, and we shall withdraw our forces opposing you along the borders so that only a token presence will remain, with border guards and police and no more, in order to carry out the day-to-day duties required in normal circumstances.

4. There should be an immediate and complete exchange of all prisoners of war, the full number held in both Iraq and Iran, to take place across the land boundaries and by way of the Khanaqin - Qasr-e Shirin road and other crossing points to be agreed upon. We shall take the initiative in this matter and shall put it into effect as of Friday, 17 July 1990.

Mr. President Ali Akbar Hashemi Rafsanjani:

With this decision of ours all has become clear, and thus all that you have desired and all that you have stressed has been achieved. It remains only for the instruments to be circulated before we can look down together from a commanding position onto a new life in which co-operation holds sway under the aegis of the principles of peace. Each of us will respect the rights of the other, we shall dismiss from our shores those who fish in troubled waters, and we shall perchance co-operate both in ensuring that the Gulf remains a lake of peace and safety, free of foreign fleets and the forces of the foreigner which lie in ambush to our misfortune, and in other spheres of life.

Enclosure II

Letter dated 30 July 1990 from the President of the Republic of Iraq addressed to the President of the Islamic Republic of Iran

Following careful consideration of that which must be considered and a thorough review of the evolution of relations between - and the situation in - Iraq and Iran, as well as of the dangers encircling and encompassing the region, and with a view to maintaining our practice of launching initiatives which afford greater opportunities for the achievement of peace, we find ourselves confronted - in accordance with our national responsibility and with the humanitarian responsibility which our great principles place upon our shoulders - with the responsibility of launching a fresh initiative. Since our initiative this time addresses all the essential issues contained in the provisions of Security Council resolution 598 (1987) at one time, in a single context and in detail, we hope it will receive the attention which is its due. We hope that the initiative will be treated with sufficient seriousness to prevent our two peoples' being denied the opportunity of enjoying their right to live in conditions of peace whose every detail is agreed, as well as to ensure they are spared from the schemes of enemies of peoples, who endeavour - God forbid - to turn back the clock in our two countries to the situation as it was before August 1988. In that event, losers will be losers, without any evident gain.

The forces of darkness, which pry into corners and bear the instruments of death, are capable - under the influence of a feeling that the war between the two countries is not yet legally over - of causing the spark of war to be lighted once again. As you are aware, war can spring from beginnings that seem at first to be of only minor importance, just as a massive fire can spring from a single spark. Those evil beings who lie in wait to waylay us may, as a result of their inability to achieve their aims without engaging the two countries - or either one of them - in war, of their concern at the quantity of weapons accumulated by the two parties to the dispute, and of their desire to test the effectiveness of those or some portion of those weapons, be driven to light the spark by their own vile means. In this they may encounter little difficulty, given a front which - on land alone - stretches for some 1,200 kilometres, and for about 800 kilometres at sea. On these fronts, where it is quite possible - and probable - that sparks may fly from the mouths of weapons, it is hardly necessary that many should fire their weapons in order for hostilities to begin. If just one of them does this for any reason, and at whatever prompting, then many will fire as a consequence. The loss will then be the greater for all; only the wicked will gain; and, as we have said before, it will be our peoples who suffer the consequences.

Since this is the objective of neither Iraq nor Iran, as is evident from the statements of those who represent them, it is thus imperative not only to achieve peace but to do so as rapidly as possible, in order to ensure that our area is spared any practical application of the dreams of darkness and the oppressors.

In accordance with all the above, I advance the following initiative:

1. I again raise the idea of holding a prompt meeting between the Heads of the two States, at a place to be agreed upon, where they may discuss the issues which, if the subject of an agreement, may serve as the basis of a comprehensive and lasting peace.

2. The discussion and agreement should cover all outstanding issues. Once a comprehensive agreement has been reached, no new issue may be raised by one side without the agreement of the other: to raise any such new issue shall constitute an evasion of the agreement. The rubrics of the agreement shall be drawn from the provisions of Security Council resolution 598 (1987). The agreement shall be concluded on the understanding and assurance that the fundamental objective of resolution 598 (1987) is none other than to bring about a comprehensive and lasting peace by means of dialogue, that the elements of the agreement constitute an indivisible whole, in the form of an integrated and inter-related transaction, and that an infringement of any one of its provisions is an infringement of every one of them.

3. The starting-point for the dialogue and agreement on the issues is not important. However, agreement on any one or more components of the subjects under discussion shall remain dependent on agreement on the other items, in conformity with all the contents of paragraph 2 above.

Accordingly, either party to the dialogue shall be entitled to reply as it sees fit to any individual declaration made by the other party: this shall include the right to repudiate a partial agreement on any one of the agreed subjects of the dialogue.

4. Withdrawal shall take place within a period of no more than two months from the date of the final ratification of the comprehensive agreement concluded by us, though if the period is shorter, so much the better. The agreement should be based on an inseparable relationship of interdependence between each step to be taken by the parties to the conflict, with respect to the commitment of each side under the agreement to take an appropriate or equivalent step such as will correspond to the commitment of the other side.

5. We continue to consider that the subject of prisoners of war should be governed by the Geneva Convention. We therefore assume that their release should be based on the provisions of that Convention. Two years have passed since the time when prisoners should have been released in accordance with the Convention, i.e. from the cease-fire until the present. Nevertheless, in order to facilitate the peace process, we have no objection, in conformity with the principles and concepts referred to above, to accepting a timetable for the release of prisoners based on the period specified in paragraph 4, namely, on a maximum period of two months from the date of the final ratification of the agreement. If agreement can be reached on a shorter period, so much the better.

6. The dialogue concerning the Shatt al-Arab must be based on the three following rubrics:

(a) Full sovereignty over the waterway belongs to Iraq, as is its legitimate historical right.

(b) While Iraq shall have sovereignty over the Shatt al-Arab, it shall apply the concept of the thalweg line in respect of navigation rights between Iraq and Iran, including right of passage, the right to fish and the right to join in the control of shipping passing through the waterway and distribution of profits arising therefrom.

(c) The Shatt al-Arab issue shall be referred to arbitration on the basis of a formula to be agreed upon by the two parties, each one undertaking in advance to accept the results of such arbitration. Until such time as the issue is decided by arbitration, a start will be made on operations to clear the Shatt al-Arab, in accordance with a formula to be agreed upon by the two parties, to make it viable for shipping and other uses.

The agreement will be based on the supposition that the two sides will jointly select any of the three above rubrics, on the understanding that the first rubric represents the right of Iraq and that the other two rubrics represent the wishes of Iran.

7. There must be an agreement to drop paragraph 6 of Security Council resolution 598 (1987) from the discussion and finally to set it aside, because it obstructs rather than promotes progress towards peace. Its consequences may give rise to rancour and hatred, and to revenge in the future, while peace could serve as an alternative path for the Iranian and Iraqi peoples. In this connection, the Secretary-General of the United Nations should be informed, officially and in writing, of the agreement which we conclude.

8. No start should be made on any of the aforementioned steps, as included in the peace agreement to be concluded by us between Iraq and Iran, before the completion of all legal measures for its ratification as required under the Constitutions of the two countries, in order to ensure that the agreement is final from the legal and constitutional point of view and does not admit any total or partial retraction whatsoever, and that its provisions are effective. The instruments of ratification of the agreement are to be deposited with the Secretary-General of the United Nations simultaneously in accordance with an agreement between the two parties.

9. The new peace agreement between Iraq and Iran should include all matters upon which agreement is reached. There shall be no objection, with a view to facilitating the rapid conclusion of the peace agreement, to the inclusion therein - apart from new issues, land border questions and other rights which may be agreed upon - of some of the contents of previous agreements from the history of relations between our two countries, and of that which was formerly agreed upon, provided that the provisions contained in the present letter are not thereby infringed.

10. The agreement must include clear principles concerning the establishment of good-neighbourly relations, non-intervention in internal affairs and respect on the part of each country for the political, economic and social system which may be chosen by the other country, as well as an unequivocal affirmation of the rights of passage for all forms of shipping through the international waters of the Gulf and the Strait of Hormuz.

11. It may be appropriate for proper implementation of the agreement to be guaranteed by an accepted international body (the Security Council).

12. Although we recognize that the international situation does not allow us to set great hopes on the provision of assistance to us for reconstruction, we consider that the international assistance which is to be provided under paragraph 7 should be divided equally between Iraq and Iran.

13. With a view to facilitating communications between us, and in light of the positive evolution of our relations, we believe that our embassies at Tehran and Baghdad should be opened once again, particularly since they remained open during the war and closed only in September 1987.

This, Mr. President, is what we think will bring about a lasting and comprehensive peace between Iraq and Iran. It is an integrated proposal, the elements of which are interdependent and indivisible. This is what our experience has helped and even inspired us to seek, and it at the same time reflects the contents of the talks held between our representatives in Geneva, Mr. Naseri and Mr. Barzan.

Everything is thus made clear, leaving no room for any contrary interpretation: what we seek is a genuine, comprehensive and rapid peace.

God is most great.

(Signed) Saddam HUSSEIN
President of the Republic of Iraq

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Distr.
GENERAL

S/21529
15 August 1990
ENGLISH
ORIGINAL: ARABIC

LETTER DATED 15 AUGUST 1990 FROM THE PERMANENT REPRESENTATIVE OF THE LIBYAN ARAB JAMAHIRIYA TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to transmit to you herewith the text of a letter addressed to you by Colonel Muammar Qaddafi, Leader of the Great Revolution of 1 September.

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council.

(Signed) Ali A. TREIKI
Permanent Representative

Annex

Letter dated 15 August 1990 from the Leader of the Great Revolution of 1 September of the Libyan Arab Jamahiriya addressed to the Secretary-General

The situation in the Arab Gulf continues to be unacceptable. The beginning, on 14 August 1990, of the blockade of ships in the Arab Gulf is an act of open aggression, since it is being carried out by the forces of free States which are following their military commands. Moreover, regardless of whether the party against which action is being taken is the oppressor or the oppressed, the measure constitutes an act of aggression under international law and is a flagrant violation of the Charter of the United Nations and is therefore considered to be a war between the States perpetrating this act and the party against which action is being taken.

Before the situation becomes any worse, threatening international peace and security, and in order to avert a catastrophe in the Arab region to which the great Jamahiriya belongs, we consider it essential that the Security Council should meet at Geneva as a matter of urgency. The Council will determine in a resolution which forces will be permitted to be present in the Gulf and will spell out their mandate. As soon as the resolution is adopted, those forces will don the United Nations uniform, wear its emblem and carry its flag and place themselves under the direct command of the Security Council, which alone has the authority, under the Charter of the United Nations, to determine the size of such forces and the length of their mission.

As for the situation in Saudi Arabia, we believe that it threatens security in the region and that the only possible action is the replacement of American forces with Arab League forces to defend the Kingdom of Saudi Arabia, should it become clear that that country is threatened; under such circumstances, the Security Council would have to take a decision.

The request to convene a meeting of the Security Council serves to confirm your statement that only the United Nations has the authority to decide on measures regarding a blockade in implementation of Article 41 of the Charter of the United Nations, which stipulates that the Security Council may decide what measures not involving the use of armed force are to be employed to give effect to its decisions, and that it may call upon the Members of the United Nations to apply such measures. These may include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio and other means of communication, and the severing of diplomatic relations. We wish to reaffirm clearly that there is absolutely no justification for invoking Article 51 of the Charter in the current situation, given that that Article is aimed only at repulsing an act of aggression against the territory of the State calling for the

implementation of that Article. The State in the Gulf, however, is not being attacked by Iraq or by any other State.

Muammar QADDAFI
Leader of the Great Revolution
of 1 September

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Distr.
GENERAL

S/21530
15 August 1990
ENGLISH
ORIGINAL: SPANISH

LETTER DATED 15 AUGUST 1990 FROM THE CHARGE D'AFFAIRES A.I. OF THE PERMANENT MISSION OF ARGENTINA TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to transmit to you herewith the text of Presidential Decree 1560 of 13 August 1990, by which the Argentine Government incorporates Security Council resolution 661 (1990) of 6 August 1990 into its national legislation, stipulating that the Executive, the government departments and public bodies of the State, and the provinces and municipalities should take the necessary measures in their respective jurisdictions to implement Council resolution 661 (1990).

(Signed) Alfredo CHIARADIA
Deputy Permanent Representative
Chargé d'affaires a.i.

Annex

Presidential Decree 1560 of 13 August 1990

Considering that the Argentine Republic is a founding member of the United Nations, the Charter of which was adopted by Decree 21.195/45 and Act 12.838 and ratified on 24 September 1945, and

Bearing in mind that the fundamental purpose of the United Nations is to maintain international peace and security by taking the effective collective measures necessary for the prevention and elimination of threats to peace; that, under Chapter VII of the Charter, the Security Council is the competent organ for deciding what measures would be adequate for that purpose; that, in the exercise of that power, the Security Council adopted resolutions 660 (1990), 661 (1990) and 662 (1990) of 2, 6 and 9 August 1990, respectively, in response to the occupation of Kuwait by Iraq, which affects international peace and security as well as the sovereignty, independence and territorial integrity of Kuwait; that the Members of the United Nations should accept and comply with the decisions of the Security Council, assisting it in any action it might take under the Charter; and that the present measure is being taken in accordance with the powers deriving from article 86, paragraphs 1 and 2, of the Argentine Constitution.

Accordingly, the President of Argentina decrees:

Article 1. Security Council resolution 661 (1990) of 6 August 1990 is adopted.

Article 2. The Executive and the government departments and public bodies of the State, the provinces and the municipalities shall take, in their respective jurisdictions, the measures necessary for the implementation of the decisions contained in Security Council resolution 661 (1990), adopted in article 1.

Article 3. This shall be made known, published, delivered to the National Registry Office and deposited in the archives.

Carlos Saúl Menem

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GENERAL

S/21531
15 August 1990

ORIGINAL: ENGLISH

NOTE VERBALE DATED 15 AUGUST 1990 FROM THE PERMANENT MISSION OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

The Permanent Mission of the United Kingdom of Great Britain and Northern Ireland to the United Nations presents its compliments to the Secretary-General of the United Nations and has the honour to communicate to him, in response to his note SC PC/7/90(1), those measures undertaken by the United Kingdom to implement Security Council resolution 661 (1990) on a national basis and as a State member of the European Community.

Two Orders in Council effective from midnight on 8 August ban the import into the United Kingdom of all goods (including crude oil and petroleum products) originating in Iraq or Kuwait and the export of all goods to Iraq and Kuwait, without a licence.

A third Order in Council - "the Iraq and Kuwait (United Nations Sanctions) Order 1990" prohibits the following activities:

(a) Making and carrying out contracts for the export of goods from Iraq or Kuwait and any other act calculated to promote the export of goods from Iraq or Kuwait;

(b) Dealing with goods exported from Iraq after 6 August 1990;

(c) Supplying goods not in Iraq or Kuwait to, or to the order of, a person in Iraq or Kuwait;

(d) Supplying goods to, or to the order of, an Iraqi or Kuwaiti company or Iraqi- or Kuwaiti-controlled company;

(e) Any act calculated to promote the supply of goods to, or to the order of, a person in Iraq or Kuwait, or an Iraqi or Kuwaiti company or Iraqi- or Kuwaiti-controlled company.

These prohibitions apply within the United Kingdom of Great Britain and Northern Ireland and to United Kingdom companies and British nationals world wide. The Order also prohibits the use of United Kingdom-flagged ships and aircraft and the use of those chartered by United Kingdom companies and British nationals for such purposes. Within the United Kingdom, the use of land transport vehicles for such purposes is also prohibited.

Exports under existing contracts are prohibited under the provisions of the Order.

Separate legal directions were issued by the Treasury on 2 and 4 August to freeze certain Iraqi and Kuwaiti assets to implement paragraph 4 of Security Council resolution 661 (1990).

A fourth Order in Council also effective from midnight on 8 August implements the mandatory provisions of Security Council resolution 661 (1990) in United Kingdom dependent Territories.

In addition, the European Community adopted a regulation with effect from 7 August which applies throughout the European Community member States and provides for a total ban on the import or export of all commodities or products originating in or coming from Iraq and Kuwait.

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Distr.
GENERAL

S/21532
15 August 1990

ORIGINAL: ENGLISH

NOTE VERBALE DATED 15 AUGUST 1990 FROM THE PERMANENT REPRESENTATIVE OF THE NETHERLANDS TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

The Permanent Representative of the Kingdom of the Netherlands to the United Nations presents his compliments to the Secretary-General of the United Nations and has the honour to refer to the latter's note No. SCPC/7/90 (1) on resolution 661 (1990), which was adopted by the Security Council on 6 August 1990. The Netherlands Government fully supports Security Council resolution 661 (1990) and has taken appropriate measures, with a view to ensuring its implementation. Details of measures concerned, in accordance with the provisions of the resolution, will be communicated as soon as possible.

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UNITED
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Security Council

Distr.
GENERAL

S/21533
15 August 1990
ENGLISH
ORIGINAL: SPANISH

LETTER DATED 15 AUGUST 1990 FROM THE CHARGE D'AFFAIRES A.I.
OF THE PERMANENT MISSION OF GUATEMALA TO THE UNITED
NATIONS ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to transmit to you a press release issued by the Government of the Republic of Guatemala in connection with the invasion of the State of Kuwait by the armed forces of the Republic of Iraq, emphasizing that the Guatemalan Government will adopt the measures necessary to ensure the effective implementation of the economic embargo until Iraq changes its posture and heeds the appeals made by the international community through the United Nations Security Council.

I should be grateful if you would have this document circulated as a document of the Security Council.

(Signed) Rafael CASTELLANOS CARRILLO
Ambassador
Chargé d'affaires a.i.

Annex

Press release issued on 15 August 1990 by the Government of the Republic of Guatemala

In the light of the recent events provoked by the invasion of the State of Kuwait by the armed forces of the Republic of Iraq, the Government of the Republic, declares before national and international public opinion:

1. Owing to its full respect for the principles embodied in the Charter of the United Nations and its conviction that the use of force in international relations should be eradicated and replaced by negotiation and dialogue, it vigorously condemns the invasion carried out by the Iraqi armed forces against the State of Kuwait on 2 August 1990.

2. Likewise, it regards as unacceptable the statement made by the Government of the Republic of Iraq annexing the territory of the State of Kuwait, believing that this decision flagrantly violates the fundamental principles which govern the international community.

3. For this reason, it calls upon the Government of the Republic of Iraq to proceed with the immediate and effective withdrawal of the occupation troops from the territory of the State of Kuwait.

4. Convinced that joint action by the international community is the most appropriate means of addressing situations which call into question the validity of the principles of international law, such as non-intervention, the free self-determination of peoples, and the peaceful settlement of international disputes, it shares the spirit of Security Council resolutions 661 (1990) and 662 (1990) and endorses the measures laid down in those resolutions.

5. Accordingly, the Government of the Republic of Guatemala will adopt the measures necessary to ensure the effective implementation of the economic embargo until the régime of the Republic of Iraq changes its posture and heeds the calls issued by the international community through the United Nations Security Council.

UNITED
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Security Council

Distr.
GENERAL

S/21534
15 August 1990

ORIGINAL: ENGLISH

LETTER DATED 15 AUGUST 1990 FROM THE CHARGE D'AFFAIRES A.I. OF THE PERMANENT MISSION OF NORWAY TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to transmit to you an English translation of the statement issued on 9 August 1990 by the Norwegian Government on regulations concerning the implementation of the Security Council resolution 661 (1990) on an economic boycott of Iraq and Kuwait. This statement should provide the information requested in your note SCPC/7/90(1) of 8 August 1990.

I should be grateful if you would arrange for the text of this letter and its annex to be circulated as a document of the Security Council.

(Signed) Sverre BERGH JOHANSEN
Chargé d'affaires a.i.

Annex

STATEMENT ISSUED ON 9 AUGUST 1990 BY THE NORWEGIAN GOVERNMENT ON REGULATIONS CONCERNING THE IMPLEMENTATION OF THE SECURITY COUNCIL RESOLUTION 661 ON AN ECONOMIC BOYCOTT OF IRAQ AND KUWAIT

At an extraordinary meeting of the Council of State today, the Government adopted regulations concerning the implementation of the Security Council resolution on an economic boycott of Iraq and Kuwait.

The regulations prohibit all import from and export to Iraq and Kuwait, with the sole exception of the export of medical supplies and foodstuffs for humanitarian purposes.

For shipping, the comprehensive transport ban means that goods may be neither loaded nor unloaded in Iraq or Kuwait. According to the regulations, loading from pipelines is equated with loading directly from ports in Iraq and Kuwait.

The boycott applies to all financial transfers, loans, credits and guarantees, and involves the freezing of Iraqi and Kuwaiti funds in Norway.

On all essential points, the regulations correspond with those of the EC concerning the implementation of the boycott. The complete text of the regulations is as follows:

"Pursuant to Act No. 4 of 7 June 1968 relating to the implementation of mandatory decisions of the Security Council of the United Nations, the following regulations have been laid down for the implementation of Security Council resolution No. 661 of 6 August 1990.

Section 1

It is prohibited to import to Norway any commodities or products originating in Iraq or Kuwait that have been exported from these countries after 6 August 1990.

Section 2

1. It is prohibited for any person on Norwegian territory, and any Norwegian national, enterprise, company, foundation or association, regardless of its whereabouts, to engage in activities calculated to promote the export of commodities and products of any kind from Iraq and Kuwait, including storage, resale and negotiation of the sale of such commodities and products. The prohibition shall apply to commodities and products that have been exported, or in relation to which an attempt has been made to export, from these countries after 6 August 1990.

2. The prohibition set out in the first paragraph shall also apply to transport by ships, aircraft and motor vehicles registered in Norway or managed or otherwise at the disposal of any Norwegian national, company or association.

3. A commodity or product is regarded as having been exported when it has been loaded onto a ship or aircraft in an Iraqi or Kuwaiti port or from a pipeline from Iraq or Kuwait, and in respect of motor vehicles when the cargo crosses the border of the country concerned.

Section 3

1. It is prohibited for any person on Norwegian territory and for any Norwegian national, enterprise, company, foundation or association, regardless of its whereabouts, to sell, transport, or by any other means convey commodities or products of any kind, including weapons and other military equipment, regardless of their country of origin, to Iraq or Kuwait.

2. The prohibition set out in the first paragraph also applies to the sale, transport or conveyance by other means of commodities or products to any natural or legal person acting on behalf of any business carried on in or operated from Iraq or Kuwait.

3. The prohibition of transport set out in the first and second paragraphs applies to ships, aircraft and motor vehicles registered in Norway or managed or otherwise at the disposal of any Norwegian national, company or association.

4. Supplies intended strictly for medical purposes and, in humanitarian circumstances, foodstuffs are exempted from the prohibition set out in the first and second paragraphs. The Ministry of Foreign Affairs may grant permission for the sale, transport or conveyance of foodstuffs when so required on humanitarian grounds.

Section 4

1. It is prohibited for any person on Norwegian territory, and for any Norwegian national, enterprise, company, foundation, or association, regardless of its whereabouts, to make financial resources available to the Government of Iraq or to any private or public Iraqi or Kuwaiti enterprise, to any public undertaking or institution, or to private individuals in Iraq or Kuwait.

2. It is prohibited to alter, transfer or remove from the country any deposit or corresponding investment made in Norway by Iraqi or Kuwaiti authorities or by natural or legal persons in Iraq or Kuwait.

3. It is prohibited to issue loans, credits or guarantees to Iraqi or Kuwaiti authorities or to natural or legal persons in Iraq or Kuwait.

4. It is prohibited to make investments in Iraq or Kuwait, and to invest in stocks or other securities issued in Iraq or Kuwait.

5. No transactions connected with Iraq or Kuwait may be carried out without the consent of Norges Bank.

6. Payments for supplies for strictly medical or humanitarian purposes, including foodstuffs in humanitarian circumstances, are exempted from the prohibitions of this section. The Ministry of Foreign Affairs may grant permission for the transfer of funds for medical or humanitarian purposes.

Section 5

1. The prohibitions set out in these regulations also apply to the continuation of any activities begun before the entry into force of the prohibitions.

2. These regulations enter into force immediately."

UNITED
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Security Council

Distr.
GENERAL

S/21535
15 August 1990

ORIGINAL: ENGLISH

NOTE VERBALE DATED 15 AUGUST 1990 FROM THE PERMANENT MISSION OF JAPAN TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

The Permanent Representative of Japan to the United Nations presents his compliments to the Secretary-General of the United Nations and has the honour to notify him, in response to his note Ref. SCPC/7/90(1) dated 8 August 1990, of the details of the measures that Japan has taken to date. Please note that this is a provisional communication, made in anticipation of the meeting of the Committee of the Security Council to be convened on 17 August 1990; it will be followed by a formal communication shortly.

Annex

Measures taken by the Government of Japan

As indicated in its statement issued on 5 August 1990 (circulated as document A/45/386-S/21449 dated 6 August), the Government of Japan has decided as follows:

1. To embargo oil imports from Iraq and Kuwait;

2. To embargo exports to Iraq and Kuwait;

3. To take appropriate measures to suspend investments, loans and other capital transactions with Iraq and Kuwait;

4. To freeze economic co-operation to Iraq.

The Government of Japan will faithfully implement Security Council resolution 661 (1990).

Supplementary to the above, the Government of Japan has undertaken the following:

I. Measures prohibiting imports from Iraq and Kuwait

On 7 August, Japan issued administrative guidelines requesting entities under its jurisdiction to refrain from engaging in import transactions with Iraq and Kuwait.

The procedures for prohibiting the import of all goods - but particularly oil - produced in or shipped from Iraq or Kuwait were finalized and became effective on 9 August (revising the Ministry of International Trade and Industry (MITI) Import Control Order, relevant imports approved by MITI will not be approved, with the exception of those loaded prior to 8 August.

II. Measures prohibiting exports to and services in Iraq and Kuwait, as well as trade with any third country acting as agent of Iraq or Kuwait

On 7 August, Japan issued administrative guidelines requesting entities under its jurisdiction to refrain from engaging in export and service transactions with Iraq and Kuwait.

A. Includes exports of all goods to Iraq and Kuwait subject to approval by MITI (medical supplies and food for humanitarian purposes will be approved). For this purpose, the Export Control Order (hereinafter "the Order"), based on the Foreign Exchange and Foreign Control Act (hereinafter "the Act"), (Article 25, para. 3), is partially amended.

B. Service transactions with Iraq and Kuwait (with the exception of medical and related services) are subject to approval. In this regard, the Order, based on the Act (Article 3, para. 3) is partially amended.

C. The intermediary trade of cargo produced in, shipped from, or destined for Iraq or Kuwait is prohibited in principle. For this purpose, the Order was partially amended.

(The amendments to the Foreign Exchange and Foreign Control Act and the Export Trade Control Order become effective 22 August.)

III. Measures prohibiting capital transactions

A. Japanese banks and securities companies have been requested, as of 3 August, to confirm that all transactions of the Kuwaiti Government and other entities are duly authorized by responsible personnel.

On 7 August, Japan issued administrative guidelines requesting entities under its jurisdiction to refrain from engaging in capital transactions with Iraq and Kuwait.

(The Order was partially amended, effective 10 August, with respect to the following measures.)

B. Payments to Iraq and Kuwait became subject to approval, based on the Act, and payments to Iraq and Kuwait are frozen.

C. Japanese entities are requested/ordered to suspend new loans to Iraq and Kuwait, in accordance with the Act.

D. Japanese entities are requested to refrain from making direct investments in Iraq and Kuwait.

IV. Transportation

On 7 August administrative guidelines were issued to marine and air shipping companies to prohibit Japanese nationals and vessels under Japanese flag from engaging in cargo transactions originating in or destined for Iraq or Kuwait.

V. Transitional regulations (to be implemented in accordance with the Act and the Order)

A. All previously approved exports will be subject to reapproval, in accordance with administrative guidelines.

B. Service contracts previously authorized but not yet in effect will require re-authorization.